

ORDINANCE NO. 256-B

AN ORDINANCE AMENDING CHAPTER 123 TO TITLE XII OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “SHORT-TERM RENTALS”, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Dunes City, through its City Council, is responsible for enacting ordinances for the effective and efficient operation of the City of Dunes City for the benefit of its residents; and

WHEREAS, the Dunes City Council finds that the characteristics, operations, and potential impacts of Short-Term Rentals operating in the City necessitate (a) The establishment of reasonable regulations for such operations, and (b) A permit requirement for such rentals; and

WHEREAS, Dunes City desires to adopt reasonable regulations on Short-Term Rentals to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the City’s citizens.

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Chapter 123 of Title XII of the Dunes City Code of Ordinances shall be amended to read as found in Exhibit A attached hereto and incorporated by reference herein.

Section 2. EFFECTIVE DATE. This Ordinance shall take effect on the 30th day after its adoption.

Section 3. SEVERABILITY. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decisions, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant, and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect and shall thereafter be binding, without the requirement of further action on the part of the City.

Section 4. OTHER REMEDIES. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance.

Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 5. CAPTIONS. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 6. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on the 21st day of August, 2024.

Ayes: 4 Nays: 0 Abstain: 1 Absent: 0 Vacant: 0

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon on this 21st day of August, 2024.

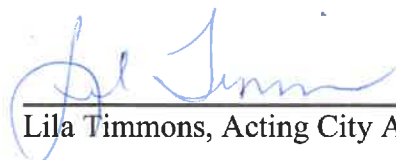
Ayes: 4 Nays: 0 Abstain: 1 Absent: 0 Vacant: 0

ADOPTED BY THE DUNES CITY COUNCIL THIS 21st DAY OF August, 2024.



Ed McGuire, Mayor

ATTEST:



Lila Timmons, Acting City Administrator

EXHIBIT A

Chapter 123

Short-Term Rentals

§ 123.001 APPLICABILITY

The provisions of this Chapter 123 apply to all Short-Term Rentals operating in the Dunes City limits.

§ 123.002 PURPOSE

The purpose of this Chapter 123 is to provide an administrative framework and registration requirement for Short-Term Rentals operating in the City limits.

§ 123.003 DEFINITIONS

For purposes of this Chapter, the following terms and phrases have the meanings assigned to them below:

Applicant(s) means the person applying for a permit to operate a Short-Term Rental in the City.

Authorized Agent means a property management company, other entity or person designated by the owner, in writing, to act on the owner's behalf.

Bedroom shall mean any space in a dwelling that contains a closet and at least one bed or other sleeping structure.

City means the City of Dunes City, Oregon.

City Council or *Council* means the City's elected legislative body.

City Administrator means the City's City Administrator or his or her designee(s).

Code means the Dunes City Code of Ordinances.

Dwelling Unit(s) means a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the *Uniform Building Code*, for not more than one family.

Emergency Contact means the individual identified by the Owner or the Owner's agent to be the contact point 24 hours a day, seven days a week, to resolve problems or complaints associated with the use of the Short-Term Rental unit. The Emergency Contact must be a permanent resident within the Dunes City urban growth boundary, or an individual or staff of a business that manages rental of real property who is available to be at the rental unit within Thirty (30) minutes.

Immediate Family is defined as spouse, registered domestic partner, parents, children, children of the spouse/registered domestic partner, siblings, grandparents, grandchildren, parents of the spouse/registered domestic partner, and other close relatives who reside in the owner's household.

Permit or Operating Permit means the permit required to operate a Short-Term Rental under this Chapter 123.

Maximum Number of short-term rentals within the urban growth boundary of Dunes City shall be To Be Determined (TBD). This maximum number can be changed by Resolution of the City Council.

Permittee(s) means the owner who has received a permit under this Chapter 123.

Owner(s) means the natural person or legal entity that owns and holds legal and/or equitable title to the subject property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership, or similar entity, each person who owns an interest in that business entity is considered an owner. For purposes of filing applications and/or other documentation with the City under this Chapter 123, *Owner* includes the authorized agent.

Person means any natural person, corporation, limited liability company, partnership, limited liability partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary or other capacity.

Personal Delivery or Personal Service means delivering legal documents or other information by handing such documents directly to the person named in the document.

Revocation means the act of annulment, recalling or rescinding any approved permit issued pursuant to the terms of this Chapter 123.

Short-Term Rental(s) means a permanent residential dwelling unit or any portion of a residential property, rented for occupancy for a period less than 30 consecutive calendar days. Shifting between a greater than Thirty (30) day rental period and a less than Thirty (30) day rental period during the same permit term does not affect the permit terms and requirements contained in this Chapter 123.

Short-Term Rental(s) does not mean recreational vehicle parks where only parking is provided to RV owners or campgrounds. Short-Term Rentals does not mean commercially zoned properties.

Short-Term Rental Facilitators means any natural person, corporation, limited liability company, partnership, limited liability partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary or other capacity, providing short-term rental services, advertising, and/or rental management services to a short-term rental property owner for a fee.

Short-Term Rental Operating Permit or Permit(s) means permission granted by the City under this Chapter 123 to operate, manage and/or otherwise make available for rent a Short-Term Rental.

Transfer means any change of ownership of a property approved to operate as a Short-Term Rental under this Chapter 123, whether or not there is consideration provided, and including the transfer to heirs of the permittee by reason of death of the permittee(s), however, *Transfer* does not include the following: (a) Upon the death of the owner, a change in ownership where title is held in survivorship with a spouse or domestic partner; (b) a transfer to a trust which benefits only the decedent's spouse, child(ren), or registered domestic partner for the lifetime of the spouse, child(ren), or registered domestic partner; (c) The transfer of ownership of the real property to or between the members of a limited liability company or partnership when the transfer involves the same owner(s); and/or (d) The transfer to a trustee, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, if at least one owner is living at the time of transfer and retains at least a Twenty-Five percent (25%) interest in the entity.

§ 123.004 PERMIT REQUIRED; HOLD HARMLESS

A. No person may establish, maintain, operate, advertise, offer, rent, manage, and/or otherwise make available and/or allow any other person to make available for occupancy and/or use, a Short-Term Rental within the City without first obtaining an approved permit to do business as a short-term rental with the City and paying all applicable permit fees in accordance with this Chapter 123. For purposes of this Section 123.004, *Advertise* or *Offer* includes, without limitation, through any media, whether written, broadcasted, posted, electronic, web-based, digital, mobile, or otherwise. This permit requirement extends to Short-Term Rental Facilitators as defined in this Chapter 123.

B. The issuance of a Short-Term Rental permit shall not be construed to constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory requirement imposed by the City or by federal, State, or local law. The permit shall not indicate an endorsement of any business or business activity. The holder of a Short-Term Rental permit shall hold the City harmless from any injury to any person or property related to the use of the permit holder's property as a Short-Term Rental.

§ 123.005 PERMIT; FEES

A. *Permit.* Permit forms will be available at Dunes City Hall. The Permit and supporting documents must be filed with the City Administrator and, in addition to any other information requested by the City Administrator, including, without limitation, information necessary to satisfy applicable criteria under this Section 123.005, must contain the following information along with a certification that the submitted information is true and correct:

1. *Owner Information.* Owner name(s), permanent residence address(es), permanent residence telephone number(s), an email contact, and the Short-Term Rental address and telephone number. The application must also include the name(s), mailing address(es), and

telephone number(s) of each person holding an ownership interest in the property, or holding an ownership interest in the entity that owns the property.

2. *Emergency Contact Information.* If the owner does not permanently reside within the Dunes City urban growth boundary and/or is not locally available during the time when the property is being rented, the owner must provide the name, telephone number, and email address of Two (2) Emergency Contacts (which can be a person or a company) who may be contacted concerning use of the property (e.g., complaints) related to the Short-Term Rental. The authorized agents may be the designated Emergency Contact for purposes of this provision.

Emergency Contacts must:

- a. Be available by telephone 24 hours a day, seven days a week, including holidays
- b. Be prepared to address concerns or complaints such as unreasonable use of the Short-Term Rental property, unreasonable noise or disturbance, disorderly or unlawful conduct, overcrowding of the Short-Term Rental property, or any other requirement or limit set forth in this Chapter 123 or in the Dunes City Code of Ordinances.
- c. At least one of the Emergency Contacts shall be within a Thirty (30) minutes' drive by motor vehicle to the proposed Short-Term Rental.

Any owner who permanently resides within the Dunes City urban growth boundary may be the Emergency Contact, provided the owner meets all applicable requirements of this Chapter 123.

Emergency Contacts may be changed upon written notice to the City within Fourteen (14) days of the change.

3. Acknowledgement that City may maintain a list of active Short-Term Rentals, including, without limitation, the owner and/or Emergency Contacts' names and telephone numbers, publicly available upon request.

4. *Septic Expanded Use Approval.* If the property is served by a private on-site septic system, the property owner shall provide an approved On-Site Wastewater Authorization Notice from the Lane County Sanitarian that indicates the maximum number of people the septic system is able to accommodate.

5. *Applicable Homeowner's Association (HOA) Rules and Regulations.* When the property contemplated to be utilized as a Short-Term Rental in a subdivision or neighborhood that has a Homeowners Association with adopted Covenants, Conditions and Restrictions (CC&Rs), a copy of the current HOA CC&Rs must accompany the permit application.

6. *Off Street Parking.* Provide a schematic representation showing the location of off-street parking for guests and assure all advertising of the property includes limitations on parking spaces to the amount and places indicated in the representation.

7. *Water Source.* Provide a copy of the well log, or State of Oregon issued permit or certificate of water right that serves the subject property.

8. *Advertisements.* Provide a link to all Short-Term Rental Facilitators advertising the Short-Term Rental as available, as well as all locations where the Short-Term is advertised for rent.

9. *Additional Information.* Such other information as the City Administrator deems necessary to approve or deny this application in accordance to this Chapter 123.

B. Timing. Subject to the provisions of this Chapter 123, a permit must be filed with the City in accordance with the following timelines, as applicable:

1. *Existing Short-Term Rentals.* A complete permit application form and fee for each existing Short-Term Rental must be received, thirty (30) days prior to the date of expiration of the initial term.

2. *New Short-Term Rentals.* For an owner of property seeking a new permit to operate a Short-Term Rental that would result in the permit being filed after the effective date of this Chapter 123, the owner and/or authorized agent must submit a complete application and fee for a permit. The City will, within fourteen (14) days, notify the applicant if the permit is deemed complete. The property may not be listed as available for rent as a Short-Term Rental until final approval and issuance of the permit is confirmed by notice from the City. Such notice must be in writing.

C. Incomplete Permit. If, after a preliminary review, the City Administrator determines that an application is incomplete, the City will notify the applicant, in writing or by electronic mail, of the deficiencies. If the applicant provides the missing required information within Twenty (20) days of the date of the City’s notice, the application will be considered timely submitted. If the applicant does not provide the required information, the application will be deemed withdrawn.

D. Application Fee. Each permit application fee must be accompanied by all applicable fee(s). The application fee will be an amount set from time to time by Resolution of the City Council.

E. Permit Fee. Prior to issuance of a permit, the Applicant must pay all applicable fee(s). The permit fee will be in an amount set from time to time by Resolution of the City Council. No portion of the fee is refundable if the Short-Term Rental is discontinued for any reason.

§ 123.006 PERMIT DURATION

A Short-Term Rental Permit will continue for a period of one (1) year, beginning on the date of issuance of the Permit and ending on the day before the date of issuance the following year, unless previously denied, suspended or revoked as provided in this Chapter 123. Before expiration, the owner and/or authorized agent must complete a new Short-Term Rental permit application and

wait for final approval by the City before continuing as a Short-Term Rental once prior permit has expired.

§ 123.007 PROPERTY TRANSFER

Subject to the provisions of this Chapter 123, a permit terminates automatically upon the transfer of property of property to a new owner as defined in Subsection 123.003 herein, unless said new owner(s) apply to the City with a new application within Thirty (30) days prior to close of escrow. Failure for a new owner to apply for the property to serve as a Short-Term Rental in the City will be deemed discontinued, abandoned and forfeited for failure to obtain a valid permit to operate as provided in this Chapter 123.

§ 123.008 RENEWAL OF SHORT-TERM RENTAL PERMIT

Thirty (30) days prior to the expiration of any term of an existing Short-Term Rental Permit, a new Permit and supporting documents, together with appropriate filing fees, must be filed and approved by the City as set forth in §123.005 of this Chapter.

§ 123.009 ACTIONS REQUIRED BY CITY STAFF

Complaint Review:

- A. The City will conduct a review of any complaints that were made against an existing short-term rental during the prior permit term to determine if any such complaints remain unsatisfied or are continuing. Three (3) or more separate complaints filed with the City and substantiated to be violations by the City, the City Staff shall deny the issuance of a Short-Term Rental permit.
- B. Such denial of a permit may be appealed upon receipt of a filed written request within Fourteen (14) calendar days accompanied by an appeal filing fees, the matter will be placed on the agenda for consideration at the next regularly scheduled City Council meeting. The Council’s decision on appeal shall be final.

Notice to Neighbors. The City will notify property owners within a 300-foot radius of the Short-Term Rental property address containing contact information for the owner and/or representative. The purpose of this notice is to inform adjacent property owners and residents of contact information to report and/or request resolution of problems associated with the operation of the subject Short-Term Rental. If the permanent contact information changes during the permit period, the new information must again be mailed or distributed.

§ 123.010 ACTIONS REQUIRED BY PROPERTY OWNER

- A. The property owner must post the following information in a prominent location of the Short-Term Rental dwelling and on all advertising rental site(s):

1. The name of the owner or local representative and a telephone number
2. The telephone number and website address of Siuslaw Valley Fire and Rescue, and the Lane County Sheriff's Office;
3. Where their customers may park, as parking on the right-of-way of Dunes City roadways is not allowed;
4. The maximum occupancy permitted for the Short-Term Rental;
5. The solid waste collection day, pickup location, and requirement to place all garbage and recyclables in approved containers;
6. Required Dunes City quiet hours pursuant to the Dunes City Code Chapter 91; and
7. A notice that states: "Woahink and Siltcoos Lakes serve as drinking water sources to this facility. Please protect lake water quality and surrounding lands as if it is your own drinking water source – because it is."

§ 123.011 NO PENDING ACTIONS OR VIOLATIONS

As of the date the application for permit is submitted to the City, the owner of a Short-Term Rental must not have received a notice of violation issued by the City, or any civil citation, regarding compliance with the Short-Term Rental or subject property with any federal, State, and/or local law, rule, regulations, and/or ordinance, including, without limitation, any provision of the Dunes City Code of Ordinances. A Voluntary Assurance of Compliance, Negotiated Compliance Agreement, or Deferred Sentence Agreement will satisfy the requirement that there be no pending actions or violations. The owner must be in compliance with any State, County, or City taxing laws, Code, ordinance or regulations, and subject to the tax administrator's authority under those provisions.

§ 123.012 SIGNAGE

All Short-Term Rental signage, including advertising, will comply with Dunes City Code Chapter 155, Section 155.2.1.250.

§ 123.013 OPERATING REQUIREMENTS

Except as otherwise expressly provided under this Chapter 123, each Short-Term Rental is subject to and must be operated in accordance with the following operating regulations, in addition to all other applicable federal, State, and/or local laws regulations, and/or ordinances:

A. Compliance with Applicable Laws. The Short-Term Rental must at all times be operated in compliance with applicable Oregon laws and regulations, including, without limitation,

this Chapter 123; all land use/development, building, and fire codes; and all other federal, State and local laws, regulations, and ordinances, including, without limitation, the payment of all fines, fees and taxes due and owing to the City.

B. Additional Permits Required. Each person desiring to operate two (2) or more Short-Term Rentals in the City limits must have a current City business license as set forth under Chapter 120 of this Code of Ordinances.

C. Video Monitor Service. All Short-Term Rental facilities shall install and maintain outdoor video monitoring systems to monitor the exterior areas of their properties, including but not limited to entryways, driveways, common areas, and any other exterior spaces accessible by tenants or the public. The video monitoring system must be capable of recording and storing footage for at a minimum of thirty (30) days. Footage must be available to review upon written request by Code Enforcement or City Staff within 48 hours of receipt of request.

D. Response to Complaints. The Owner, and/or Emergency Contact(s) must respond to neighborhood concerns, and/or complaints in Thirty (30) minutes of notification.

1. *Complaints.* The Owner, and/or Emergency Contact(s) must maintain a record of complaints and mitigating actions taken in response to each complaint. Such record must then be made available for inspection by the City within Forty-Eight (48) hours after request from the City Staff.

2. *City Authority.* Certain types of complaints are subject to the City's regulatory authority under other sections of the Code. Nothing contained in this Chapter 123 is intended or will be construed to require the owner, agent, and/or Emergency Contact(s) to act as a peace officer or Code Enforcement Officer or put themselves in an at-risk situation. Initial complaints related to noise disturbances, occupancy, or parking must first be made to the complainant, directly to the owner or emergency contact. If there is a failure to respond by the owner or emergency contact, a complaint should be submitted on a form provided by the City. City Staff will respond and/or investigate.

3. *Records.* Subject to applicable law, including, without limitation, Oregon Public Records Law, the City may provide the owner and/or representative information contained in a complaint.

4. *Administrative Rules.* The City Council may establish administrative rules and regulations consistent with the provisions of this Chapter for purposes of interpreting, clarifying, carrying out, furthering, and/or enforcing the provisions of this Chapter 123, including, without limitation, Dunes City Short-Term Rental Regulations. A copy of such administrative rules and regulations will be on file in the office of the City Administrator and be posted on the City's website.

§ 123.014 REVOCATION PROCEDURE; VIOLATIONS; PENALTIES

A. Grounds for Denial, Suspension, or Revocation. The City Administrator may deny, suspend, or revoke a permit to operate a property as a Short-Term Vacation Rental for any of the following:

1. Failure to comply with this Chapter 123 and all other laws, rules, ordinances or regulations of the City;

2. Submitting falsified information to the City, including, without limitation, providing material misstatements and/or falsified information in the initial permit application;

3. Noncompliance with any other City ordinances or regulations or violations of federal, State, and/or local laws, regulations, and/or ordinances including, without limitation, transient room tax laws;

4. Repeatedly failing to respond, and adequately resolve complaints for violations of the Dunes City Short-Term Rental Regulations or Dunes City Nuisance Codes; and/or

5. Such other violations of this Chapter 123 and/or the Dunes City Short-Term Rental Regulations of sufficient severity, in the reasonable judgment of the City Staff, so as to provide reasonable grounds for revocation of the registration.

B. Notice. The City Staff will provide written notice of any permit denial, suspension, or revocation and reasons therefore to the applicant or registrant, at the property address and at the contact address provided on the application, by certified mail, return receipt requested or by personal service thereof, Fourteen (14) calendar days prior to the effective date of the denial, revocation, or suspension, unless such denial, revocation, or suspension is based upon a violation that threatens the health and safety of individuals.

C. Appeal. A decision to deny, suspend, or revoke a permit may be appealed by personally delivering a written notice, either hand delivered or sent by certified mail with return receipt, of appeal to the City Staff, together with the appropriate fees for filing the same, on or before the effective date of the denial, suspension, or revocation. The City Staff's decision to revoke or suspend is stayed pending appeal. The City Staff will transmit the Notice of Appeal, together with the file of the appealed matter, to the City Council, after which transmission the City Council will fix a time and place of hearing of the appeal. The City Council will give the appellant not less than Ten (10) business days' prior written notice of the time and place of hearing of the appealed matter. The City Council will determine whether the City Staff's decision was based on a preponderance of the evidence for factual matters and noncompliance with applicable law for legal matters. A decision of the City Council will be reduced to writing and will be based upon the evidence received and arguments presented. The City Council may amend, rescind, or affirm the appealed decision. The City Council's decision will be final on the date of hearing. The City Council's decision is the final decision of the City and is appealable only by writ of review to the Lane County Circuit Court. The City Council may establish by Resolution from time to time a fee for filing an appeal, which will be jurisdictional.

D. Violations; Infractions. Violation of or failure to comply with any provision of this Chapter 123 is punishable upon entry of Order by a fine set in Fee Schedule which may be established by Resolution from the City Council. Each violation and each day that a violation persists constitutes a separate offense. The City will be entitled to collect from any owner violating or otherwise failing to comply with this Chapter 123 the City’s reasonable attorney fees and other fees, costs, and expenses incurred by the City to enforce this Chapter 123. Owners, local representatives, and Emergency Contacts are jointly and severally liable for such offenses. The following conduct also constitutes a violation of this Chapter 123 and is a civil infraction:

- 1. Representing a dwelling unit as available for occupancy or rent as a Short-Term Rental where the owner does not hold an approved permit issued under this Chapter 123, or making a Short-Term Rental available for use, occupancy, and/or rent without first obtaining an approved permit; and/or
- 2. Advertising for rent and/or renting a Short-Term Rental in a manner that does not comply with the standards of this Chapter 123; and/or
- 3. Submitting false or misleading information on a permit application or supporting documentation.

E. Remedies Not Exclusive. The remedies provided in this Section 123.015 are not exclusive and will not prevent the City from exercising any other rights and/or remedies available under law, nor will provisions of this Chapter prohibit or restrict the City or other appropriate prosecutor(s) from pursuing any charges under City Ordinances.

§ 123.015 SITE VISITS

If deemed necessary by the City Staff, a site visit may be made to the property to ensure compliance with the provisions of this Chapter 123. A courtesy call to the owner will be made so that arrangements for the site visit can be made. Failure to allow the City Staff to conduct the site visit may result in immediate denial, revocation or termination of the permit.

§ 123.016 PUBLIC NUISANCE DECLARED

Operation of any Short-Term Rental within the City’s incorporated limits in violation of this Chapter 123 is hereby declared a public nuisance and may be abated pursuant to all available remedies as set forth in Chapter 36 of the Dunes City Code of Ordinances.

§ 123.017 INDEMNIFICATION

By accepting a permit pursuant to this Chapter 123, the owner(s) and emergency contact(s), on a joint and several basis, indemnify and hold harmless City and City’s officers, employees, volunteers, agents, insurers, and self-insurance pool for, from and against all injuries, claims, demands, actions, suits, damages, liabilities, costs, and/or expenses of any kind whatsoever, including, without limitation, attorney fees and costs arising out of or resulting from, in any

manner, the operation of the Short-Term Rental, including, without limitation, any bodily injury, personal injury, sickness, disease, death, property loss or damage, and/or any other loss.

§ 123.018 DISCONTINUANCE OF SHORT-TERM RENTAL OCCUPANCY

After a permit has been revoked, suspended, or cancelled, the property may not be used or occupied as a Short-Term Rental unless and until a new permit is issued in accordance with this Chapter 123; provided, however, an owner of record whose permit has been revoked will not be eligible to reapply for a Short-Term Rental permit for the same property for a period of Twelve (12) months from the date of revocation.

§ 123.019 PROHIBITION OF TRANSIENT USE

The transient use or Short-Term Rental of residential property by any owner, person acting as agent, Emergency Contact(s), real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property for remuneration is prohibited, except as otherwise expressly permitted by this Chapter 123, and for which a Short-Term Rental Permit is issued in accordance with this Chapter 123. The Short-Term Rental of residential property without a permit is a violation of this Chapter 123 and enforced pursuant to Chapter 36 of the Dunes City Code of Ordinances.

§ 123.020 DENSITY AND OCCUPANCY

A. *Density Limit.* Only one Short-Term Rental permit shall be permitted per parcel;

B. *Occupancy Limit.* The maximum number of overnight occupants allowed within a Short-Term Rental unit shall be limited to Two (2) persons per bedroom, as the term “bedroom” is defined in this Chapter 123, plus Two (2) additional persons per Short-Term Rental unit or the maximum number of persons the on-site wastewater system can accommodate, whichever is less. The City Staff has sole discretion to determine the final occupancy limit.

§§ 123.021 through 123.099 is hereby reserved.